



NEWS RELEASE  
*Office of the  
United States Attorney  
for the  
District of Nebraska*  
**Deborah R. Gilg**

---

1620 Dodge Street Suite 1400 Omaha NE 68102-1506 (402) 661-3700

---

December 17, 2009

United States Attorney Deborah R. Gilg, the Federal Bureau of Investigation, and the Winnebago Police Department announce the following information for the attention of the media:

**Event Triggering this Release:**

Wakaja Harden, 20 years old and of Winnebago, was convicted in the United States District Court this afternoon by a United States District Court jury of sexually assaulting a Native American female.

On July 1, 2008 , Harden picked up the 15 year old victim from her residence and provided her with whiskey. The victim became highly intoxicated and was last seen by witnesses staggering before the defendant picked her up, slung her over his shoulder, and headed into the field where they were eventually found by a tribal officer. When police arrived Mr. Harden was getting dressed while the victim was still passed out, unclothed, on the ground. The defendant told investigators that the victim had “consented” to engaging in sex. Several witnesses testified she was intoxicated to the point of incoherence and an emergency room doctor and nurse testified she had consumed an almost lethal amount of alcohol. Harden was convicted of sexually assaulting a person who was mentally or physically incapable of appreciating the nature of the conduct or was physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act.

**Name of Defendant:** Wakaja Harden

**AKA:**

**Age:** 20

**City of residence:** Winnebago

**Crime(s) Charged and Potential Penalty (A CHARGE is merely an accusation and every defendant is presumed innocent until and unless proven guilty):** Sexual Abuse, 18 U.S.C. 2242(2)(A) & (B) & 1153; up to 20 years prison, \$250,000 fine, 3 years Term of Supervised release, \$100 Special assessment.

**Specific Location of Alleged Crime:** Omaha

**Location of Arrest:** n/a

**Alleged Dollar Loss/Type and Quantity of Drug:** n/a

**Others Charged in Same Scheme:**

**Relevant Dates:**

**Date of Alleged Crime:** On or about July 1, 2008

**Federal Arrest Date:**

**Date Complaint Issued:**

**Indictment Returned Date:** May 21, 2009

**Initial Appearance Date:** June 24, 2009

**Plea or Trial and Date(s):** December 15-17, 2009

**Sentencing Date:** March 23, 2010

**Next Court Hearing Type and Date:**

**Assigned Magistrate Judge:** The Honorable Judge Gossett

**Held without Bond, or Released from Custody:**

**In Continuous Custody Since:**

**Assigned District Court Judge:** The Honorable Joseph Bataillon

**Initials of Assigned AUSA/Preparer of THIS Release:** SLD